GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:4927
ANSWERED ON:28.04.2008
NON COMPLIANCE OF ORDERS OF LABOUR COURTS
Patel Shri Jivabhai Ambalal;Prasad Shri Hari Kewal

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the employers do not implement the orders passed by the labour Courts which leads to injustice being done to the employees and labourers;

(b) if so, whether there is a provision requiring the courts to be apprised of the follow up action taken by the employers;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES)

(a): As per provisions of Section 17(1) of the Industrial Disputes Act, 1947, every report of a Board or court together with any minute of dissent recorded therewith, every arbitration award and every award of a Labour Court, Tribunal or National Tribunal shall, within a period of thirty days from the date of its receipt by the Appropriate Government be published in such manner as the Appropriate Government thinks fit. It was held in the Rasbehary Mohanty v/s Presiding Officer Labour Court 1974 (2) LLJ 222, that the award when published within the meaning of section 17(1) of the Act, would become effective on the expiry of 30 days from the date of its publication. However, many employers take recourse to writ jurisdiction of the High Courts and obtain stay orders against the operation of award.

(b): No, Sir.

(c) & (d): There is no such provision in the Industrial Disputes Act, 1947.